

Attorneys for Defendants, STEVEN KILTY; FBN TRANSPORTATION, LLC; AMSTON  
SUPPLY, INC.; MARDAN TRANSPORTATION, LLC

MARGARET KEIPER and DAIL	)	<b>CASE NO. 5:15-cv-00703-JGB-SP</b>
KEIPER, JR., Individually and as the	)	<b>Related Cases:</b>
Successors-in-Interest to DAIL KEIPER,	)	<b>5:15-cv-01481-BRO-SP</b>
SR., Deceased,	)	<b>5:15-cv-00762-BRO-SP</b>
	)	<b>5:16-cv-00610-BRO-SP</b>
Plaintiffs,	)	<b>5:15-cv-02380-BRO-SP</b>
vs.	)	
	)	
VICTOR VALLEY TRANSIT	)	<b>MARDAN TRANSPORTATION,</b>
AUTHORITY, a Governmental entity;	)	<b>LLC'S EVIDENTIARY</b>
DINORAH AGUILAR; TRANSDEV	)	<b>OBJECTIONS TO VICTOR</b>
SERVICES, INC., a Maryland	)	<b>VALLEY TRANSIT AUTHORITY,</b>
Corporation; VEOLIA	)	<b>TRANSDEV SERVICES, INC.,</b>
TRANSPORTATION SERVICES, INC.,	)	<b>VEOLIA TRANSPORTATION</b>
A Corporation; STEVEN KILTY; FBN	)	<b>SERVICES INC., AND DINORAH</b>
TRANSPORTATION, LLC, a Wisconsin	)	<b>AGUILAR'S EVIDENCE IN</b>
Limited Liability Company; MARDAN	)	<b>OPPOSITION TO MOTION FOR</b>
TRANSPORTATION LLC, a Wisconsin	)	<b>SUMMARY JUDGMENT</b>
Limited Liability Company; AMSTON	)	
SUPPLY, INC., a Wisconsin Corporation;	)	DATE: April 29, 2019
and DOES 1 to 100, inclusive,	)	TIME: 9:00 a.m.
	)	DEPT: 1, Hon. Jesus G. Bernal
Defendants.	)	

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

Defendants, STEVEN KILTY, FBN TRANSPORTATION, LLC, AMSTON SUPPLY, INC., AND MARDAN TRANSPORTATION, LLC, hereby submit the following Objections to Evidence submitted by VICTOR VALLEY TRANSIT AUTHORITY, TRANSDEV SERVICES, INC., VEOLIA TRANSPORTATION SERVICES, INC., AND DINORAH AGUILAR, in support of their Opposition to the Motion for Summary Judgement of MARDAN TRANSPORTATION, LLC.

Evidence Objected To	Location	Objection
Smart Cam Video	Exhibit “ <a href="#">2</a> ” to Declaration of Jeremy Alberts at Page 2, Lines 12-14	<b><i>Lacks Foundation-</i></b> Bus Defendants offer this video but do not provide any foundation for the date or time of the recording. There is no information to authenticate the system on which is was recorded. The video is offered to support the assertion that “The white reflective tape also appears to be obstructed by the tractor’s vertical exhaust pipe and the camouflage military vehicle that was being hauled by Steven Kilty”.

		<p>There is no foundation for the statement that this was an “active lane of travel” and the video in and of itself does not verify that statement. No foundation that the video depicts conditions as they existed at the time of this accident. <b>F.R.E. 901</b></p>
<p>Photograph of Tractor</p>	<p>Exhibit “<a href="#">3</a>” to Declaration of Jeremy Alberts at Page 2, Lines 15-16</p>	<p><b><i>Lacks Foundation-</i></b> Bus Defendants provide no date, time, location or identification (beyond “taken by Veolia”), of who took the subject photograph. Further, the photograph was apparently taken post-accident. Accordingly, it cannot be used to demonstrate the appearance of the tractor or the equipment on it prior to the subject accident or more importantly, at the time of</p>

its lease to FBN and/or Steven Kilty. **F.R.E. 901. *Calls for Opinion of an Expert*** Bus Defendants proffer this photograph to support a bare, unsupported assertion that the location of the white reflective conspicuity tape on the cab of the tractor as shown in the photograph constitutes a violation of law. Bus Defendants make this assertion improperly with no testimony of an expert to support it. **F.R.E. 702**

DATED: April 15, 2019

WILLIAMSON LAW GROUP

/s/ Connie L. Benson

Connie L. Benson

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Attorneys for Defendants, STEVEN KILTY;  
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SUPPLY, INC.; MARDAN  
TRANSPORTATION, LLC

CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2019, I electronically transmitted the following document(s) to the Clerk's Office using the CM-ECF System for filing and transmittal of Notice of Electronic filing to the following CM-ECF registrants:

**DOCUMENT(S) SERVED:**

**MARDAN TRANSPORTATION, LLC'S EVIDENTIARY OBJECTIONS TO VICTOR VALLEY TRANSIT AUTHORITY, TRANSDEV SERVICES, INC., VEOLIA TRANSPORTATION SERVICES INC., AND DINORAH AGUILAR'S EVIDENCE IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT**

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15 **AMERICA**

16 I declare under penalty of perjury under the laws of the United States of America  
17 that the foregoing is true and correct.

18 Executed this 15<sup>th</sup> day of April, 2019 at Santa Ana, California.

19 /s/ Jackie Renfroe  
20 JACKIE RENFROE  
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